

Davis Polk

Greg D. Andres
+1 212 450 4724
greg.andres@davispolk.com

Davis Polk & Wardwell LLP
450 Lexington Avenue
New York, NY 10017
davispolk.com

May 10, 2024

BY ECF & FAX

The Honorable Alvin K. Hellerstein
United States District Court
Southern District of New York
United States Court House
500 Pearl Street
New York, NY 10007

Re: United States v. Charlie Javice and Olivier Amar, 23 Cr. 251 (AKH)

Dear Judge Hellerstein:

JPMorgan Chase Bank, N.A. (“JPMC”) respectfully submits this joint letter on behalf of itself and Defendants Charlie Javice and Olivier Amar (collectively, the “Parties”) to request the following: (1) a one-week adjournment of JPMC’s deadline for filing its modified privilege log from May 16 to May 23; (2) an adjournment of the hearing to address privilege challenges, currently scheduled for May 30, to after June 13; and (3) that the Court set a deadline one week before the rescheduled hearing for the Parties to file a joint submission detailing Defendants’ outstanding privilege challenges and providing sample documents under seal for the Court’s *ex parte* review.¹ We have also discussed this modified schedule with the Government, which has indicated that it takes no position on this request.

By way of background, the privilege logs submitted by JPMC’s prior counsel contain more than 31,000 entries (including approximately 4,500 “priority” entries identified by Defendants), and counsel for Defendants have identified a substantial number of alleged deficiencies in these logs. Davis Polk has agreed to conduct a re-review of the prior logs to address these concerns. JPMC has agreed to make the first of several rolling productions of the priority documents identified by Defendants no later than May 10, 2024 and has agreed to produce all downgraded priority documents no later than May 16, 2024. JPMC’s May 16 production will also include an appendix that details: (1) which previously withheld documents are being produced in full and which are being produced with redactions; and (2) which previously redacted documents are being produced in full and which are being produced with more limited redactions.

JPMC requests the one-week adjournment to May 23 to complete its review of the remaining log, which also necessitates the adjournment of the hearing to address privilege challenges, currently scheduled for May 30, to after June 13. Finally, as noted, the Parties request that the Court set a deadline one week before the rescheduled hearing for the Parties to file a joint submission detailing Defendants’ outstanding privilege challenges and providing sample documents under seal for the Court’s *ex parte* review.

Respectfully submitted,

¹ Defendants respectfully request that the Court keep on its calendar the conference currently scheduled for May 30, 2024, for oral argument on the pending Rule 12 motions, as set out in ECF 87.

Davis Polk

/s/ Samuel P. Nitze

Alex Spiro
Maaren A. Shah
Samuel P. Nitze
JP Kernisan
QUINN EMANUEL URQUHART &
SULLIVAN LLP
51 Madison Avenue, 22nd Floor
New York, New York 10038
Telephone: 202-538-8122
Facsimile: 202-538-8100
alexspiro@quinnemanuel.com
maarensah@quinnemanuel.com
samuelnitze@quinnemanuel.com
jpkernisan@quinnemanuel.com

Attorneys for Defendant Charlie Javice

/s/ Greg D. Andres

Greg D. Andres
Sidney Bashago
Katherine Swan
Michelle Adler
Christian Hines
DAVIS POLK & WARDWELL LLP
450 Lexington Avenue
New York, New York 10017
(212) 450-4000
greg.andres@davispolk.com
sidney.bashago@davispolk.com
katherine.swan@davispolk.com
michelle.adler@davispolk.com
christian.hines@davispolk.com

*Attorneys for Non-Party JPMorgan Chase
Bank, N.A.*

/s/ Sean S. Buckley

Sean S. Buckley
Steven G. Kobre
Alexandria E. Swette
KOBRE & KIM LLP
800 Third Ave New York, New York 10022
Telephone: (212) 488-1200
Facsimile: (212) 488-1220
Sean.Buckley@kobrekim.com
Steven.Kobre@kobrekim.com
Alexandria.Swette@kobrekim.com
Sydney Sgambato Johnson (pro hac vice)
KOBRE & KIM LLP
1919 M Street, NW Washington, DC 20036
Telephone: (202) 664-1900
Facsimile: (202) 664-1920
Sydney.Johnson@kobrekim.com

Counsel for Defendant Olivier Amar

cc: All counsel of record (via ECF)